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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DECLARATION OF KELSEY J.
HELLAND IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

The Hon. William H. Alsup

1 I, Kelsey J. Helland, declare, pursuant to 28 U.S.C. § 1746 and Local Rule 7-3, as
2 follows:

3 1. I am a member in good standing of the State Bar of California and am admitted as
4 a federal attorney in this Court. I represent all of the Defendants in this action. I submit this
5 declaration in support of Defendants' Administrative Motion to File Under Seal, filed
6 concurrently herewith.

7 2. On March 20, 2025, Defendants filed an Administrative Motion to File Under
8 Seal unredacted versions of documents related to steps taken by Defendants to comply with the
9 preliminary injunction in this matter that contain the personal identifying information of third-
10 party federal employees. *See* Dkt. No. 143. Plaintiffs stipulated that such material could be filed
11 under seal, Dkt. No. 143-1, and the Court granted the Administrative Motion, Dkt. No. 147.

12 3. On March 31, 2025, Defendants filed a second Administrative Motion to File
13 Under Seal updated versions of similar compliance-related documents that likewise contain
14 personal identifying information of third-party federal employees. *See* Dkt. No. 169. Plaintiffs
15 again stipulated that such material could be filed under seal. *See* Dkt. No. 169-1. As of this
16 filing, Defendants' Administrative Motion remains pending.

17 4. On April 7, 2025, I emailed counsel for Plaintiffs indicating that Defendants
18 intend to file further updated versions of these compliance-related documents, and requesting
19 Plaintiffs' agreement that unredacted versions of these further updated versions could likewise be
20 filed under seal. Plaintiffs' counsel responded that they would not stipulate that the materials
21 could be filed under seal unless Defendants produced the unredacted copies to Plaintiffs directly.
22 I replied, explaining that Defendants could not disclose such private employee information
23 without an adequate protective order in place (which has not yet been entered here), and that the
24 identities of individual third-party federal employees are not relevant to assessing Defendants'
25 compliance with the Court's orders at this stage of the litigation. Plaintiffs then responded and
26 asked that Defendants convey the following position from Plaintiffs in any administrative
27 motion: "Plaintiffs have repeatedly requested that they be served, as is required by the rules, with
28 documents filed by Defendants under seal. Defendants have refused to respond. Plaintiffs

1 cannot give further agreement to have documents filed under seal, unless and until Defendants
2 agree to comply with their obligation to provide Plaintiffs with anything they are submitting to
3 the Court.”

4 5. Defendants request that the Court allow the further updated versions of their
5 compliance lists to be filed under seal, because these documents contain private federal
6 employee information that is protected by the Privacy Act, and because, if sealing were denied,
7 the names and PII of third-party employees will be exposed to public attention in this high-
8 profile litigation.

9
10 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
11 and correct.

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13 Dated: April 7, 2025

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16 /s/ Kelsey J. Helland
17 KELSEY J. HELLAND
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